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KEY DEFINITIONS

DUI (DRIVING UNDER THE INFLUENCE)

It is illegal to operate a vehicle in Illinois with a blood alcohol content (BAC) of .08 or greater. However, with additional evidence, individuals can still be convicted of DUI with a BAC in excess of .05. DUI also applies to drivers under the influence of other drugs. These include any legal or illegal substances that cause impairment regardless of how they enter the body.

IMPLIED CONSENT

By driving on Illinois roadways, a driver agrees to submit to testing for alcohol or other drugs. Refusing to submit to testing results in a longer suspension of driving privileges than that received for test failure. A test refusal can be used as evidence in a DUI case.

DRIVER'S LICENSE SUSPENSION

A suspension results in the temporary loss of driving privileges for a specific length of time. Suspended drivers must comply with all requirements and pay fees to obtain reinstatement.

DRIVER'S LICENSE REVOCATION

A revocation results in the loss of driving privileges with no guarantee of reinstatement. The individual may apply for reinstatement at the end of the revocation period. An administrative hearing, remedial education, recent alcohol/drug assessment, substance abuse treatment and payment of applicable fees also are required. If approved, reinstatement requires retesting and payment for a new license.

IMPAIRED DRIVING - RELATED OFFENSES

DUI

- Conviction remains on a driver's record for life
- Classified as a violent crime
- Mandatory revocation of vehicle registration
- Mandatory driver's license revocation for a minimum of 1 year for first conviction (2 years if under age 21)
- 5-year driver's license revocation and 48 consecutive hours in jail or 10 days community service for second conviction
- 10-year driver's license revocation for third conviction
- Lifetime driver's license revocation for fourth or subsequent conviction
- Class A misdemeanor for first or second conviction
- Class 4 felony for third or subsequent conviction

AGGRAVATED DUI

A third or subsequent DUI conviction, DUI crash resulting in great bodily harm or DUI while driving a school bus:

- Class 4 felony

RECKLESS HOMICIDE

A DUI crash resulting in a death:

- 2-year minimum driver's license revocation
- Class 2 felony

CHILD ENDANGERMENT

DUI while transporting a child under age 16:

- Mandatory fine of \$500 to \$2,500
- 5 days community service benefiting children (10 days for a repeat offender)

CONTRIBUTING TO DUI

Knowingly allowing a person to operate your vehicle under the influence of alcohol or other drugs:

- Class A misdemeanor

DRIVING WHILE SUSPENDED OR REVOKED

If driver's license suspension or revocation was for DUI, leaving the scene of a personal injury/fatal crash, or reckless homicide:

- Double the original suspension period or a 1-year extension of the revocation
- Class A misdemeanor for first conviction with a mandatory 7 days in jail or 30 days community service
- Class 4 felony for second conviction
- Class 3 felony for third conviction
- Class 2 felony for fourth or subsequent conviction

OPEN CONTAINER

It is illegal for ANYONE to transport or possess an alcoholic beverage in the passenger area of a vehicle when it is no longer in its original package or when the seal has been opened or broken. In addition to the passengers being charged and assessed fines and penalties by the court, the driver's conviction also will be added to the driving record and can result in the following actions:

- First offense over 21 – point assigned conviction; Under 21 – 1-year DL suspension.
- Second conviction over 21 – 1-year DL suspension; Under 21 – revocation.
- Officer can charge all passengers and the driver for one violation/open container.
- Chartered buses not for school use, limousines, motor homes and mini-motor homes are exempt

VEHICLE IMPOUNDMENT AND SEIZURE

Vehicles may be impounded for a DUI arrest or driving while suspended or revoked for a previous DUI offense:

- 12 hours for first offense
- 24 hours for second offense
- 48 hours for third offense

Vehicles may be seized for public auction when used to commit:

- Reckless homicide or DUI while driver's license was suspended or revoked for a previous DUI
- A third or subsequent DUI offense
- DUI while suspended or revoked for reckless homicide

CRIMINAL PENALTIES

Class A Misdemeanor

Fines of up to \$2,500
Possible imprisonment up to one year

Class 4 Felony

Fines of up to \$25,000
Possible 1-3 years imprisonment

Class 3 Felony

Fines of up to \$25,000
Possible 2-5 years imprisonment

Class 2 Felony

Fines of up to \$25,000
Possible 3-7 years imprisonment
Possible 3-14 years imprisonment for reckless homicide
Possible up to 28 years imprisonment for multiple deaths

TAKE RESPONSIBILITY...

An impaired person does not think clearly and is unable to drive safely. Alcohol and drugs cloud judgment and the ability to reason or make correct decisions, such as whether or not to drive.

Responsible drivers can avoid an arrest for DUI by planning ahead:

- use a designated driver, someone who abstains and is sober, or
- take public transportation or a cab, or
- stay overnight.

As a considerate host, take responsibility when serving alcohol. Pay attention to how much alcohol is served, limit the number of drinks and stop providing alcohol one hour before the event ends. Offer a variety of foods. Also have non-alcoholic beverages available for those who do not drink alcohol or wish to limit their alcohol intake.

Caring hosts do not let their friends drive drunk or ride with a drunk driver. Additional suggestions for hosting a safe gathering include:

- collecting car keys when guests arrive, so you can determine if they are safe to drive before leaving,
- having a designated driver available to take guests home, and
- inviting guests to stay overnight.

**Please remember, safety belts are your best defense
against a careless driver.**



FOR FURTHER INFORMATION:

Or to schedule an educational presentation about traffic safety laws, please contact:

2701 S. Dirksen Parkway, Springfield, IL 62723,
(217) 785-0440

OR

100 W. Randolph, 5th Floor, Chicago, IL 60601,
(312)814-2262



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The privilege of driving carries responsibilities to protect not only the driver, but everyone. Drivers who neglect or are unaware of the rules endanger more than just themselves.

Each year more than 1,000 people are killed and even more are injured because of carelessness or disregard for the laws governing Illinois roadways.

The largest factor contributing to injuries and loss of life on our roadways is driving under the influence (DUI) of alcohol or other drugs. This brochure highlights various laws related to impaired driving. Additional information may be found in the *Rules of the Road* booklet, which is available at any Driver Services facility or your local library.

Please share this information with your friends and family. You may prevent someone from making a wrong decision. You may save a life.

Sincerely,

JESSE WHITE

Secretary of State



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